UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,229	11/13/2001	Matthew S. Chang	50P4161	8691

			EXAMINER
22242	7590	03/21/2006	SHANG, ANNAN Q

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ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/053,229	CHANG ET AL.
	Examiner	Art Unit	
	Annan Q. Shang	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 November 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sharrit et al (6,185,205)** in view of **Shaffer (5,673,253)**.

As to claim 1, note the **Shaffer** reference figure 1, discloses an apparatus (Information Transfer System 'ITS' 10) for allocating data streams for use by a plurality of consumer electronic devices (User Device 'UD' 34), comprising:

External-side data ports (Antenna Port 24a-n, 26a-n, 30, figs.1 and col.2, line 46-col.3, line 2) for transferring data (video, voice and data) between a plurality of external bandwidth channels and the apparatus (ITS-10);

One or more user ports (User interface port 22) for bidirectional data transfer between the apparatus (ITS-10) and at least one end-user device (UD-34, col.4, lines 18-27); the end-user device sending a data request for data to be transferred from the external source (25a-n, 28a-n and 32);

Determining means (Controller 18, col.4, lines 17-45) for determining the means for executing the data request on the basis of the external source and the available bandwidth for each of the external bandwidth channels currently connected to the external-side data ports (col.5, line 51-col.6, line 4), note that controller 18 can

determine particular communications channel is noisy and change a bandwidth value of

an IF filter to compensate and retrieves via the external sources, the data requested by

the user of UD-34; and

A switch (Switch 16, col.4, lines 17-45) for connecting the requesting end-user

device to the external bandwidth channels determined by the determining means such

that the data request is sent to the external source and the data is transferred

accordingly.

Sharrit fails to explicitly teach a plurality of user devices and determining means

for executing the request on the basis of the external source and the available

bandwidth for each of the external bandwidth channels currently connected to the

external-side data ports.

However, note the **Shaffer** reference figure 1, discloses dynamic allocation of

telecommunications resources where a user unit includes a plurality of devices (User

Units 18, 20 and 22) connected to external channel sources (col.4, line 51-col.5, line 4)

and determines available bandwidth for each of the external bandwidth channels

currently connected to the external data ports (col.5, lines 5-25, line 50-col.6, line 19

and line 56-col.7, line 3).

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to incorporate the teaching of Shaffer into the system Sharrit to

dynamically monitor home network devices and assign bandwidth dynamically based on

requests made by each device, in order to efficiently make use of the available

bandwidth.

As to claim 2, Sharrit further disclose where the external-side data ports, include

connections for downloading-only and bi-directional external bandwidth channels (col.3,

lines 19-40 and col.7, line 45-col.8, line 9).

As to claim 3, Sharrit further disclose that ITS-10 can be used as a home

gateway such as a STB (col.2, lines 41-45).

Claims 4-5 are met as previously discussed with respect to claim 1.

As to claim 6, note the **Shaffer** reference figure 1, discloses a method for

efficient data transfer through a set-top-box (Information Transfer System 'ITS' 10)

between a plurality of external sources (Antenna Port 24a-n, 26a-n) and at least one

end-user device (User Device 'UD' 34), comprising

External-side data ports (Antenna Port 24a-n, 26a-n, 30, figs.1 and col.2, line 46-

col.3, line 2) for transferring data (video, voice and data) between a plurality of external

bandwidth channels and the apparatus (ITS-10);

One or more user ports (User interface port 22) for bidirectional data transfer

between the apparatus (ITS-10) and at least one end-user device (UD-34, col.4, lines

18-27); the end-user device sends a data request for data to be transferred from the

external source (25a-n, 28a-n and 32);

Determining means (Controller 18, col.4, lines 17-45) for determining the means

for executing the data request on the basis of the external source and the available

bandwidth for each of the external bandwidth channels currently connected to the

external-side data ports (col.5, line 51-col.6, line 4), note that controller 18 can

determine particular communications channel is noisy and change a bandwidth value of

an IF filter to compensate and retrieves via the external sources, the data requested by

the user of UD-34; and

A switch (Switch 16, col.4, lines 17-45) for connecting the requesting end-user

device to the external bandwidth channels determined by the determining means such

that the data request is sent to the external source and the data is transferred

accordingly.

Sharrit fails to explicitly teach a plurality of user devices and determining means

for executing the request on the basis of the external source and the available

bandwidth for each of the external bandwidth channels currently connected to the

external-side data ports.

However, note the **Shaffer** reference figure 1, discloses dynamic allocation of

telecommunications resources where a user unit includes a plurality of devices (User

Units 18, 20 and 22) connected to external channel sources (col.4, line 51-col.5, line 4)

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currently connected to the external data ports (col.5, lines 5-25, line 50-col.6, line 19

and line 56-col.7, line 3).

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to incorporate the teaching of Shaffer into the system Sharrit to

dynamically monitor home network devices and assign bandwidth dynamically based on

requests made by each device, in order to efficiently make use of the available

bandwidth.

Claim 7 is met as previously discussed with respect to claim 2.

Claim 8 is met as previously discussed with respect to claim 3.

Claim 9 is met as previously discussed with respect to claims 4-5.

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Noritomi (6,473,902) discloses method for transmitting programs.

Rakib et al (6,889,385) disclose home network for receiving VOD and other requested programs and services.

Kou et al (6,907,301) disclose method and system for selecting and controlling devices in a home network.

Billerbeck et al (6,844,895) disclose wireless intelligent host imaging audio and data receiver.
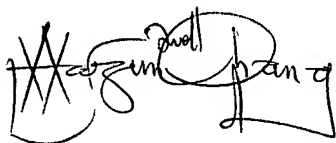
Bucher (6,678,737) discloses home network appliance and method.

4.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300.**

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the **Electronic**

Business Center (EBC) at 866-217-9197 (toll-free).

Annan Q. Shang.